

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

OCT - 4 2001

CLERK, U.S. DISTRICT COURT

By

Deputy

In the United States District Court for the Northern District of Texas
Dallas Division

(USA and)
Jamal Elhaj-Chehade
Co- plaintiff

Vs.

Educational Commission for Foreign Medical Graduates
(entities and individuals) defendants

3:01-CV-01301-L

Plaintiff's motion to transfer (and consolidate later) this case
And the plaintiff objection to (motion to extend) a part of the court scheduling order
October 4th 2001

Comes now on this date October 4th 2001, the plaintiff is filing his motion to transfer this case to Judge Jane Boyle and to consolidate it with the case 3:99CV 680-D/BC and the plaintiff also request that the deadline of November 30, 2001 in the scheduling order Be extended to (late May or early June 2002). And the plaintiff is submitting the following in support:

- 1- On August 29, 2001. The plaintiff met the defendant attorney as ordered by the court. The joint order as submitted by the defendants is deficient. The parties agreed to transfer this case to Judge Boyle and agreed to consolidate the cases and use the content of the 3:99CV 680-D/BC as apart of the evidence and argument.
- 2- The request to transfer this case is based on the fact that Judge Boyle knows about the background of the conflict and it is for the economy and efficiency of justice proceedings. It will make it easier to submit and understand the new evidences and development in the overall conflict and to pinpoint where things went wrong in the proceedings and the erroneous and invalid judgment in the USDC case 3:99CV 680-D/BC. The plaintiff believes that Judge Boyle has the duty to correct herself in the clear and new evidences and development in the proceeding and this will extremely reduce the cost of the litigation and greatly enhance the chance to administer justice. (the plaintiff has no objection to have two or more judges presiding over the case but judge Boyle must be involved because of her previous judgments that were inappropriately entered.
- 3- The reconsolidation of the case will facilitate the possibility of settlement(with or without a mediation).
- 4- The plaintiff demanded that a scheduled conference be done in the presence of all parties in the presence of a judge(or representative) to discuss the plaintiff proposed plan for settlement and the plaintiff will submit the new evidences as requested by the defendants. This must be scheduled ASAP
- 5- The plaintiff submitted motion to vacate and a new hearing based on new evidences on January 2001 immediately after the USDC unconstitutional and invalid order. The

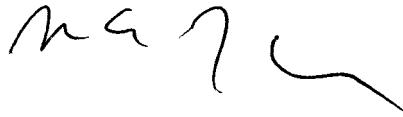
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plaintiff did not hear any response from the USDC court nor from the defendant(no service was done).

Wherefore premises considered, The plaintiff prays that upon consideration, that this court allow the transfer of this case to Judge Boy and be consolidated with the proceeding there and allow the new evidences(and old ones) be introduced in accordance with FRCP rules of evidences and as deemed necessary in reducing costs of litigations and enhancement of administration of justice. Or in the case of non transfer that the other case 3:99C 680-D/BC be brought to this court(provided that proceeding de novo is done). the plaintiff is entitled to have a meaningful access to the justice and to the court. The defendants must not be the one who wear the black robe.

Certificate of service: this is to certify that this filing was done after the conference of August 29, 2001 and that a true copy of the foregoing was sent to the defendants attorney Mrs. Susan Schwartz at 6688 N Central Expway # 850 Dallas Texas 75206-3913 on the day of October 4th 2001 via USPS and e mail

Respectfully submitted to the Honorable Judge Sam Lindsey
Plaintiff Dr Jamal Elhaj-Chehade, pro-se(at this time) and IFP
5414 Cedar Springs# 806 Dallas, Texas 75235.

A handwritten signature in black ink, appearing to be 'MAG' followed by a stylized flourish.